



# Academics United Against FOSTA/SESTA

To the United States Senate,

We the undersigned represent academics, researchers, sex workers, faculty members, and students who wish to highlight the pernicious effects on the sex working community if the following bills are passed into law: FOSTA (“Allow States and Victims to Fight Online Sex Trafficking Act of 2017”) AND SESTA (“Stop Enabling Sex Traffickers Act of 2017”).

Under the current language in the Communications and Decency Act, prosecutors have every tool required to go after third parties, including websites, who have engaged in trafficking in persons. As Kate D’Adamo of Reframe Health & Justice has pointed out:

The proposed changes to SESTA open this to a wider civil liability without clear guidelines for how to obey the law. These costly lawsuits could easily imperil any website which caters to, or even acknowledges, people who trade sex. This including websites which:

- Host ads, enabling more opportunity for safety and screening for violence
- Host harm reduction information, including safety and health tips for workers
- Offer services, including screening services
- Create community for people who trade sex to share information

The House bill, FOSTA, which passed last week, takes this one step further and criminalizes anyone using those platforms - including sex workers and trafficking victims - and expands this to prostitution, as opposed to the narrower crime of sex trafficking. By expanding the Mann Act, which criminalizes the transportation of a person across state lines for the purpose of prostitution, to encompass all of the internet means that all harm reduction tools, which almost always involve connecting to peers and community for safety and information, makes people criminally liable for up to ten years in prison. Under FOSTA, sharing information about violence, victimizers, HIV/STI transmission when engaged in sex work will put a person at risk for criminal prosecution.

We are part of a worldwide community of faculty, researchers, and students who oppose the further criminalization of the sex working community, which both FOSTA and SESTA would greatly expand in the United States. We draw on decades of rigorous research and, in some cases, lived experience as sex workers. Our research and theoretical efforts show that the expansion of police powers will further drive sex workers underground, thereby increasing the expansion of police to surveil and interfere in the lives of sex working people. The stated intention of these bills is to “protect” the interests and well-beings of sex workers and survivors of human trafficking; however, research shows again and again that criminalization deters sex workers from engaging with health, social, and law enforcement services, compels them to work in more discreet and therefore isolated ways, discourages peer-to-peer networking, infringes upon the free speech of already vulnerable communities, and reduces their clientele, thereby forcing them to take on riskier clients. Research also shows that criminalization makes it harder to identify potential victims of trafficking and violence and build cases against perpetrators. Additionally, we are concerned – because we know firsthand – that intensifying surveillance and policing of sex workers will limit our ability to contact and conduct research with and alongside sex workers, thereby impeding our collective knowledge

and understanding of sex workers' lived and shared experiences. The Global Alliance Against Traffic in Women (GAATW) recently published a policy paper regarding the most effective ways to combat the trafficking of persons. In their report titled, *Sex Workers Organising for Change: Self-representation, community mobilisation, and working conditions*, they directly cite that the self-activity of sex working people, and the decriminalization of sex work as the way forward.

We write not in the spirit of supplanting the voices of sex workers, but in the spirit of amplifying them. Too often, popular discourses around sex work have been accepted as the final word on workers' lived experiences, resulting in dangerous myths and simplifications about all erotic labor. Our duty, both as academics and as activists, is to reveal social realities in all their complexity, using our training in methodological rigor and accuracy, and to speak to and open space for the truths of sex workers' lives and labor as best we can. As academics, we also understand and value deeply, free speech and open access to information. This bill would directly censor and criminalize the speech of anyone engaging with the websites and communities the bill's sponsors have in mind to target.

The discourse around sex work in the United States is based in the widespread and false stigmatization of sex work. This stigma makes it difficult to analyze the more unsensational realities of sex work. Sex work represents for many a means to an end; a crucial means of income for those who are disenfranchised by social and economic disparity. We recognize, as we detail further below, that coercion and violence exist in the sector, but hold that these are effects of the criminalization and cultural stigmatization of sex work, rather than inherent elements. For too long this cultural stigma has driven the narrative on sex work, undermining the evidence-based analyses we have been developing for decades.

We hold that this stigma is the primary pillar of the "human trafficking" narrative motivating these bills. Of course, coercion and trafficking take place within the sector, and we support efforts to end trafficking, coercion, exploitation, and violence, and to care for those who have suffered these harms. However, popular narratives of human trafficking lack nuance, tending to conflate all instances of sex work with instances of "slavery" and trafficking, thereby flattening the crucial differences between consensual-adult sex work, child sexual exploitation, and coercion. The dangers of this conflation are worrying. Not only does it mean many sex workers will be unduly affected and constrained by sweeping legislation and regulation, it opens the door for the expanded policing of immigrants and people of color in an era of intensified xenophobia and racism. Indeed, survivors of trafficking will themselves be pushed further underground as an effect of these bills. We find it concerning that policymakers overlook the overwhelming body of academic research on sex work, and instead rely on broad generalizations and stigmatizing narratives that promise "rescue" without addressing the realities of working conditions.

Finally, we want to bring attention to the occlusion of sex workers from the development and debate of these bills. We strive in our research efforts to foreground the voices of sex workers in our work: we have an ethical commitment to respect sex workers as rights-bearing citizens capable of making choices about their lives. Sex workers have been speaking through academic research and their own activist efforts for decades. As professionals within institutions of higher learning, we recognize sex working people as professionals operating within a variety of industries and sectors. Policymakers have neglected these crucial voices, which speaks to the tendency for wealth, political power, moral sensationalism, and sexual conservatism to steer the narrative. We hope that our policymakers will take this opportunity to do better, to listen to the whole story, as we as academics, researchers, and students have tried to do.

We are amplifying actions and calls around the country this week, particularly those being spearheaded by the Massachusetts Sex Worker Ally Network, the Support Ho(s)e Collective and Reframe Health & Justice. Other organizations have expressed opposition to this spate of bills, including the Freedom Network, the Electronic Frontier Foundation, ACLU, the National Center for Transgender Equality, the Positive Women's Network, and the National Association of Criminal

Defense Lawyers. You can help support these efforts as well by following and signal boosting the hashtags #SurvivorsAgainstSESTA and #LetUsSurvive in preparation for the anticipated Senate vote on SESTA on Monday, March 12th, and by calling your Senators and urging them to vote no on S. 1693 SESTA.

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